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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ESTEBAN CASTANEDA,

Defendant and Appellant.

B217967

(Los Angeles County
Super. Ct. No. BA355584)

THE COURT:*

Esteban Castaneda (appellant) appeals from the judgment following his conviction of felony driving under the influence of alcohol (Veh. Code, § 23152, subd. (a); count 1), felony driving with a blood alcohol level of 0.08 percent or more (Veh. Code, § 23152, subd. (b); count 2), and leaving the scene of an accident (Veh. Code, § 20001, subd. (a); count 3). The trial court sentenced appellant to three years in state prison.

Appellant waived his right to a jury trial and elected to have a court trial submitted on the preliminary hearing transcript and admitted police and laboratory reports. The following facts were adduced at the preliminary hearing: On April 17, 2009, Leticia Gallegos was driving toward the intersection of Main Street and Sichel Street in Los

* BOREN, P. J., DOI TODD, J., ASHMANN-GERST, J.

Angeles. She slowed down because the vehicle in front of her was making a right turn. Appellant rear-ended Gallegos. After rear-ending Gallegos, appellant turned left, lost control of his vehicle, jumped the curb, and pinned his vehicle between a wall and a fire hydrant. Gallegos approached appellant's vehicle and saw that he was not sitting upright. Gallegos detected a strong scent of alcohol coming from appellant. After a few minutes, appellant sat up and asked Gallegos what happened. Gallegos tried to explain to appellant what had occurred but stopped after realizing that appellant could not understand her. Appellant exited his vehicle through the passenger door and left the scene. As he was walking away, Gallegos saw that he could not stand straight and that he appeared drunk.

Los Angeles Police Department Officer George Oto responded to Gallegos's request for assistance. When he arrived at the scene, he was directed toward Griffin Avenue near the railroad overpass. At that location, Officer Oto saw appellant lying on the sidewalk. Officer Oto detected an odor of alcohol emanating from appellant and saw that appellant's eyes were red, watery, and droopy. Appellant also had a cut on his forehead. Officer Oto asked appellant how much alcohol he had consumed, and appellant replied "too much." Because of appellant's forehead cut, Officer Oto requested a rescue ambulance and elected not to perform any field sobriety tests.

At the hospital, appellant told another officer, Officer Solorzano, that he had consumed five beers before driving. Appellant consented to having his blood drawn for testing. The test indicated a 0.25 percent blood alcohol level. Officer Oto testified that in his opinion, appellant was driving under the influence.

After examination of the record, appellant's counsel filed an "Appellant's Opening Brief (Request for Independent Review of the Record Pursuant to *People v. Wende* (1979) 25 Cal.3d 436)" in which no issues were raised.

On March 1, 2010, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. We received no response from appellant.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d 436, 441.)

The judgment is affirmed.

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